

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INHIBITORY IMMUNOGLOBULIN POLYPEPTIDES TO HUMAN PDGF BETA RECEPTOR** the specification of which _____ is attached hereto or X was filed on June 10, 1994 as Application Serial No. 08/258,283 and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes _____ No _____
			Yes _____ No _____

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing	Status
Presently Unassigned	June 7, 1994	____ Patented <u> X </u> Pending ____ Abandoned
07/801,795	December 2, 1991	____ Patented <u> X </u> Pending ____ Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

William B. Smith, Reg. No. 30,223
 Karen B. Dow, Reg. No. 29,684
 Randolph T. Apple, Reg. No. 36,429

Send Correspondence to: Karen B. Dow TOWNSEND and TOWNSEND KHOURIE and CREW Steuart Street Tower One Market Plaza, 20th Floor San Francisco, CA 94105	Direct Telephone Calls to: (Name, Reg. No., telephone no.) Karen B. Dow Reg. No. 29,684 (415) 326-2400, Ext. 217
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Full Name of Inventor 1	Last Name Ramakrishnan	First Name Vanitha	Middle Name or Initial	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship India	
Post Office Address	Post Office Address 2019 Arbor Avenue	City Belmont	State/Country California	Zip Code 94002
Full Name of Inventor 2	Last Name Escobedo	First Name Maria	Middle Name or Initial Amelia	
Residence & Citizenship	City San Francisco	State/Foreign Country California	Country of Citizenship Chile	
Post Office Address	Post Office Address 455 Upper Terrace #3	City San Francisco	State/Country California	Zip Code 94117
Full Name of Inventor 3	Last Name Fretto	First Name Larry	Middle Name or Initial J.	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 1553 Escondido Way	City Belmont	State/Country California	Zip Code 94002
Full Name of Inventor 4	Last Name Lokker	First Name Nathalie	Middle Name or Initial	
Residence & Citizenship	City San Francisco	State/Foreign Country California	Country of Citizenship The Netherlands	
Post Office Address	Post Office Address 741 40th Avenue	City San Francisco	State/Country California	Zip Code 94121
Full Name of Inventor 5	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code
Full Name of Inventor 6	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Vanitha Ramakrishnan, Maria Amelia Escobedo, Larry J. Fretto and Nathalie Lokker

Serial or Patent No.: 08/258,283

Filed or Issued: June 10, 1994

Title: INHIBITORY IMMUNOGLOBULIN POLYPEPTIDES TO HUMAN PDGF BETA RECEPTOR

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN COR THERAPEUTICS, INC.

ADDRESS OF SMALL BUSINESS CONCERN 256 E. Grand Avenue, South San Francisco, CA 94080

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INHIBITORY IMMUNOGLOBULIN POLYPEPTIDES TO HUMAN PDGF BETA RECEPTOR by inventor(s) Vanitha Ramakrishnan, Maria A. Escobedo, and Larry J. Fretto described in

- ☐ the specification filed herewith
☒ application Serial No. 08/258,283, filed June 10, 1994
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING _____

TITLE OF PERSON IF OTHER THAN OWNER _____

ADDRESS OF PERSON SIGNING _____

ROBERT L SWIFT
V.P. OPERATIONS & DEVELOPMENT
256 E. Grand Avenue, South San Francisco, CA 94080

SIGNATURE _____

DATE 8/2/94

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes ____ No ____
			Yes ____ No ____

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Application Serial No.	Date of Filing	Status
08/253,440	June 7, 1994	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
07/801,795	December 2, 1991	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Shelley Precivale Eberle, Reg. No. 31,411
Karen B. Dow, Reg. No. 29,684
Randolph T. Apple, Reg. No. 36,429

Send Correspondence to: Karen B. Dow TOWNSEND and TOWNSEND KHOURIE and CREW Steuart Street Tower One Market Plaza, 20th Floor San Francisco, CA 94105	Direct Telephone Calls to: (Name, Reg. No., telephone no.) Karen B. Dow Reg. No. 29,684 (415) 326-2400, Ext. 217
--	---

Full Name of Inventor 1	Last Name Ramakrishnan	First Name Vanitha	Middle Name or Initial	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship India	
Post Office Address	Post Office Address 2019 Arbor Avenue	City Belmont	State/Country California	Zip Code 94002
Full Name of Inventor 2	Last Name Escobedo	First Name Maria	Middle Name or Initial Amelia	
Residence & Citizenship	City San Francisco	State/Foreign Country California	Country of Citizenship Chile	
Post Office Address	Post Office Address 455 Upper Terrace #3	City San Francisco	State/Country California	Zip Code 94117
Full Name of Inventor 3	Last Name Fretto	First Name Larry	Middle Name or Initial J.	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 1553 Escondido Way	City Belmont	State/Country California	Zip Code 94002

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 Vanitha Ramakrishnan	Signature of Inventor 2 <i>Maria A. Escobedo</i> Maria Amelia Escobedo	Signature of Inventor 3 Larry J. Fretto
Date	Date 6/28/95	Date

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INHIBITORY IMMUNOGLOBULIN POLYPEPTIDES TO HUMAN PDGF BETA RECEPTOR** the specification of which _____ is attached hereto or X was filed on June 10, 1994 as Application Serial No. 08/258,283 and was amended on _____ (if applicable).

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			Yes _____ No _____
			Yes _____ No _____

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08/253,440	June 7, 1994	____ Patented <u>X</u> Pending ____ Abandoned
07/801,795	December 2, 1991	____ Patented <u>X</u> Pending ____ Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Shelley Precivale Eberle, Reg. No. 31,411

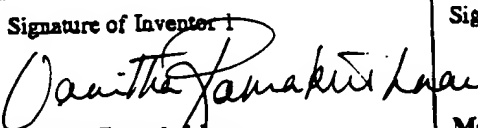
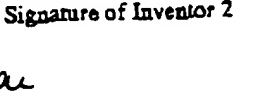
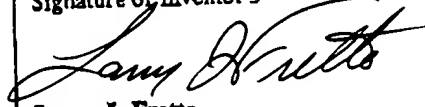
Karen B. Dow, Reg. No. 29,684

Randolph T. Apple, Reg. No. 36,429

Send Correspondence to: Karen B. Dow TOWNSEND and TOWNSEND KHOURIE and CREW Stewart Street Tower One Market Plaza, 20th Floor San Francisco, CA 94105	Direct Telephone Calls to: (Name, Reg. No., telephone no.) Karen B. Dow Reg. No. 29,684 (415) 326-2400, Ext. 217
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Full Name of Inventor 1	Last Name Ramakrishnan	First Name Vanitha	Middle Name or Initial	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship India	
Post Office Address	Post Office Address 2019 Arbor Avenue	City Belmont	State/Country California	Zip Code 94002
Full Name of Inventor 2	Last Name Escobedo	First Name Maria	Middle Name or Initial Amelia	
Residence & Citizenship	City San Francisco	State/Foreign Country California	Country of Citizenship Chile	
Post Office Address	Post Office Address 455 Upper Terrace #3	City San Francisco	State/Country California	Zip Code 94117
Full Name of Inventor 3	Last Name Fretto	First Name Larry	Middle Name or Initial J.	
Residence & Citizenship	City Belmont	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 1553 Escondido Way	City Belmont	State/Country California	Zip Code 94002

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Vanitha Ramakrishnan	Signature of Inventor 2  Maria Amelia Escobedo	Signature of Inventor 3  Larry J. Fretto
Date 22 JUNE 1995 VP	Date	Date 6-22-95

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Vanitha Ramakrishnan, et al.)	Examiner: P. Gambel
)	
Serial No.: 08/258,283)	Art Unit: 1806
)	
Filed: June 10, 1994)	
)	
For: INHIBITORY IMMUNOGLOBULIN)	
POLYPEPTIDES TO HUMAN PDGF)	
BETA RECEPTOR)	
)	

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

STATEMENT OF FACTS UNDER 37 C.F.R. 1.48(a)

Sir:

We, Vanitha Ramakrishnan, Maria Amelia Escobedo, Larry J. Fretto and Nathalie Lokker, hereby declare as follows:

1. That Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto are the co-inventors and co-applicants of patent application Serial No. 08/253, 440, filed on June 7, 1994 (the "Parent"), which is a file-wrapper-continuation of Serial No. 07/801,795, filed on December 2, 1991, describing immunoglobulin polypeptides that block binding of platelet-derived growth factor ("PDGF") to the platelet-derived growth factor receptor.
2. That the Parent describes an immunoglobulin polypeptide, referred to as the monoclonal antibody 2A1E2, and characterizes it as binding to the fifth domain of the extracellular domain of the PDGF receptor.
3. That the present application is a continuation-in-part of the Parent and characterizes 2A1E2 as binding to the second domain of the extracellular domain of the PDGF receptor, instead of the fifth domain as described in the Parent.

00003810-010799

4. That Nathalie Lokker identified the second domain binding characteristics of 2A1E2. Based upon the fact that she provided additional data that was included in the present application and because claims were included to recite an immunoglobulin polypeptide the recognized an epitope in the second domain, Nathalie Lokker was named as an inventor at the time that the present application was filed.

5. It has now become apparent that Nathalie Lokker was incorrectly named as an inventor, through error and without any deceptive intention. Based upon our information and belief, the facts leading up to this discovery, are as follows:

a) The issue of inventorship was raised by Examiner Gambel in the Office Action dated December 23, 1994. The Examiner took the position that since the Parent application described the same antibody that was being described in the present application, any differences in the epitope mapping (fifth vs. second Ig-like domain) only reflected a re-evaluation of the fine specificity of the same 2A1E2 antibody and did not change the inherent properties (i.e., structure and function) of the same deposited hybridoma (HB 10938). In light of this, the Examiner questioned why the inventive entities of the Parent and the present application were different.

b) On June 1, 1995, in a telephonic interview between the Examiner and Applicants' representative Karen B. Dow, the Examiner more specifically questioned the inventorship status of Nathalie Lokker in view of the Examiner's assertion that the binding characteristics of the 2A1E2 antibody were inherent in the antibody, which was described in the Parent.

c) On several occasions after this interview, Ms Dow discussed the inventorship issue with Applicants' attorneys, Carolyn R. Adler and Shelley P. Eberle, and it was determined that the binding characteristics of the monoclonal antibody 2A1E2 were inherent in the antibody, therefore that Nathalie Lokker was not an inventor of the subject matter as claimed in the present application.

d) During the week of June 19, 1995, Ms. Eberle discussed this issue with us and we realized that an error in inventorship had been made and that it was appropriate to correct inventorship by the deletion of Nathalie Lokker as an inventor.

6. That Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto are the co-authors of a publication entitled "A Novel Monoclonal Antibody Dependent on Domain 5 of the Platelet-Derived Growth Factor Beta Receptor Inhibits Ligand Binding and Receptor Activation", Growth Factors, (8):253-265 (1993); and that Joseph J. Seroogy, James E. Tomlinson and David L. Wolf are also named as co-authors on the publication. The contributions of the authors not named as inventors is as follows:

a) David L. Wolf made the molecular biological construct and used it to transfect cells to produce the antigen (extracellular domain of the PDGF beta receptor), as described in column 1, lines 1-23, on page 255 of the publication. David L. Wolf also immunized rabbits to produce rabbit polyclonal serum, as described in column 1, lines 31-34 on page 255 of the publication.

00000000000000000000000000000000

b) James E. Tomlinson characterized the antigen-expressing cell lines made by David L. Wolf, as described in column 1, lines 23-43 on page 255 of the publication. This antigen was later used as the immunogen for the production of the monoclonal antibodies. James E. Tomlinson also characterized the rabbit polyclonal antibodies made by David L. Wolf. These antibodies were used to determine the recombinant expression of the modified extracellular PDGF beta receptor by Western blot analysis, as described in column 1, lines 28-31 on page 255 of the publication.

c) Joseph J. Seroogy performed the partial purification of the antigen (extracellular domain of the PDGF beta receptor) that was used to determine antibody titer in the ELISA, as described in column 2 on page 255 of the publication.

d) It is our belief that co-authors Joseph J. Seroogy, James E. Tomlinson and David L. Wolf are not co-inventors of the claimed subject matter of the present application.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing hereon.

Dated: 22 June '95

Vanitha Ramakrishnan
Vanitha Ramakrishnan


Dated: _____

Maria Amelia Escobedo

Dated: 6-22-85


Larry J. Fretto

Dated: 6-22-95.


Nathalie Lokker

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Vanitha Ramakrishnan, et al.)	Examiner: P. Gambel
)	
Serial No.: 08/258,283)	Art Unit: 1806
)	
Filed: June 10, 1994)	
)	
For: INHIBITORY IMMUNOGLOBULIN)	
POLYPEPTIDES TO HUMAN PDGF)	
BETA RECEPTOR)	
_____)	

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

STATEMENT OF FACTS UNDER 37 C.F.R. 1.48(a)

Sir:

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2. That the Parent describes an immunoglobulin polypeptide, referred to as the monoclonal antibody 2A1E2, and characterizes it as binding to the fifth domain of the extracellular domain of the PDGF receptor.
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00003810-010799

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Dated: _____

Vanitha Ramakrishnan

Dated: 6/28/95

Maria A. Escobedo
Maria Amelia Escobedo

Dated: _____

Larry J. Fretto

Dated: _____

Nathalie Lokker

THE UNIVERSITY OF CHICAGO